

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAURICE ANTHONY BROWN,

Petitioner,

v.

SUPERIOR COURT OF THE STATE
OF WASHINGTON KING COUNTY,

Respondent.

CASE NO. 2:21-CV-932-JCC-DWC

REPORT AND RECOMMENDATION

Noting Date: November 5, 2021

The District Court has referred this action filed under 28 U.S.C. § 2254 to United States Magistrate Judge David W. Christel. On July 12, 2021, Petitioner Maurice Anthony Brown initiated this case. Dkt. 1. As Petitioner has not kept the Court advised of his current address or paid the filing fee, the Court recommends dismissing this action without prejudice.

The Clerk of Court mailed Petitioner a Notice of Filing Deficiency on July 14, 2021, notifying Petitioner he had deficiencies in his Application to Proceed *In Forma Pauperis* that required correction on or before August 13, 2021. Dkt. 2. The Notice of Filing Deficiency was returned as undeliverable on July 27, 2021. Dkt. 4. On August 23, 2021, the Court advised Petitioner that if he failed to notify the Court of his current address by September 27, 2021 the

undersigned would recommend dismissal of this action pursuant to Local Rule 41(b)(2).¹ See Dkt. 5. The August 23, 2021 Order was also returned to the Court as undeliverable. See Dkt. 6. Petitioner has not responded to the Notice of Filing Deficiency or filed any documents with the Court since he initiated this lawsuit on July 12, 2021.

Petitioner has not keep the Court advised as to his current mailing address. He has also failed to cure the deficiencies in his Application to Proceed *In Forma Pauperis* or pay the filing fee. Accordingly, pursuant to Local Rule 41(b)(2), the Court recommends dismissal of this action without prejudice for failure to prosecute. Based on the foregoing, the Court also recommends a certificate of appealability be denied.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of de novo review by the district judge. See 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on November 5, 2021, as noted in the caption.

Dated this 20th day of October, 2021.



David W. Christel
United States Magistrate Judge

¹ Under Western District of Washington Local Rule 41(b)(2), a party proceeding pro se shall keep the Court and opposing parties advised as to his or her current mailing address. If mail directed to a pro se plaintiff by the Clerk is returned by the Postal Service, and if such plaintiff fails to notify the Court and opposing parties within 60 days thereafter of his or her current mailing address, the Court may dismiss the action without prejudice for failure to prosecute.